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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,175	04/27/2000	Wataru Matsumoto	2611-0125P	2265
7590 07/12/2005 Birch Stewart Kolasch & Birch LLP P O Box747 Falls Church, VA 22040-0747			EXAMINER HARPER, KEVIN C	
			ART UNIT 2666	PAPER NUMBER

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/559,175

Applicant(s)

MATSUMOTO ET AL.

Examiner

Kevin C. Harper

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 9,10,13-16 and 24-30 is/are allowed.  
6) ☒ Claim(s) 1-8,11,12 and 17-23 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 30 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments, filed August 30, 2004, with respect to the rejection of claims 1-2, 5-6, 9-10 and 13-14 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of applicant's admitted prior art.

***Drawings***

1. Replacement drawings were received on August 30, 2004. These drawings are approved.

***Terminal Disclaimer***

2. The terminal disclaimer filed on August 30, 2004 disclaiming the terminal portion of any patent granted on this application that would extend beyond the expiration date of US 6,747,992 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-8, 11-12 and 17-23 are rejected under 35 U.S.C. 102(a) as being anticipated by applicant's admitted prior art as described in figures 19-25 and pages 1-13 of the specification.

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3. Regarding claims 1-8 and 17-23, Applicant's admitted prior art discloses a communication system (figure 21; page 6, line 22 through page 7, lines 2 and page 4, lines 23-25) which sets a data transmission time which is the time suitable for data transmission in a period (figure 24, FEXT section using symbol bitmap A; figure 25) and a quasi-data transmission time not during the same period (NEXT section using symbol bitmap B), in accordance with a transmission path (Figure 20). Bits are assigned such that data for one period can be transmitted uniformly over that transmission time period (page 10, lines 19-25; page 11, lines 21-23; page 12, lines 5-13; note: a uniform incoming bit stream before rate conversion is transmitted uniformly during the use of each symbol during the period for symbol bitmap A). The data transmitted within the time period is reproduced (figure 22; page 9, lines 8-17). The communication system is capable of assigning bits such that the data is assigned to one period corresponds to symbols transmitted during that period or capable of uniformly distributing first data and assigning second data to a portion where first data has not been assigned (fig. 21, items 47-50; page 9, lines 8-9 and line 24 through page 13, line 21; page 30, line 7 through page 36, line 11; note: only the operating characteristics of the prior art communication system needs to be changed -- MPEP 2114).

4. Regarding claims 11-12, Applicant's admitted prior art discloses a communication method (figure 21; page 6, line 22 through page 7, lines 2 and page 4, lines 23-25) which sets a data transmission time which is the time suitable for data transmission in a period (figure 24, FEXT section using symbol bitmap A; figure 25) and a quasi-data transmission time not during the same period (NEXT section using symbol bitmap B), in accordance with a transmission path (Figure 20). Bits are assigned such that data for one period (figure 24, FEXT section using

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symbol bitmap A and NEXT section using symbol bitmap B; figure 25) are transmitted uniformly over that period (page 12, lines 13-22; page 12, line 25 through page 13, line 8) and data for a quasi-data transmission period are transmitted uniformly over that period (page 12, lines 23-24; note: in fig. 25, symbols of the FEXT section are transmitted uniformly over that section such as symbols 0-3 and symbols 4-9 are transmitted uniformly over the NEXT section, where symbol 4 occupies a place in the FEXT section). The data transmitted within the time period is reproduced (figure 22; page 9, lines 8-17).

#### *Allowable Subject Matter*

5. Claim 9-10, 13-16 and 24-30 are allowed.

#### *Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see [portal.uspto.gov](http://portal.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

July 8, 2005



DANG TON  
PRIMARY EXAMINER